



APPENDIX 5

Office Action mailed June 4, 1998 in
U.S. Serial No.08/892,738 filed July 15, 1997.

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TECHNOLOGY CENTER R3700



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/892,738	07/15/97	INGISTOV	11465-1

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EXAMINER

KWON.J

ART UNIT

PAPER NUMBER

3747

DATE MAILED: 06/04/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/892,738

Applicant(s)
Steve Ingistov

Examiner
John T. Kwon

Group Art Unit
3747



☐ Responsive to communication(s) filed on _____

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) 25 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 9-12, 17-19, 21, and 26 is/are rejected.

☒ Claim(s) 5-8, 13-16, 20, and 22-24 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Housekeeping

Applicant(s) is(are) suggested to list a current telephone number, a facsimile number and a list of the attachments, if any, under the signature of the attorney/applicant for each response to the Office action(s) in order to expedite and make accurate the prosecution of the application.

1. Applicant's preliminary amendment dated July 15, December 29, 1997 and January 15, 1998 have been entered.

2. The submission of the Information Disclosure Statement dated December 29, 1997 has been received and fully considered. No further Information Disclosure Statement is in the records.

Specification

3. Applicant is advised to insert the current status of the application S.N. 656,564.

4. The disclosure is objected to because of the following informalities: Applicant's proposed amendment to page 7, lines 5 and 7 of the specification has not been entered because the word "18" does not appear in said line. Appropriate correction is required.

Election/Restriction

5. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-24 and 26, drawn to a stationary gas turbine engine with a brush seal, classified in class 415, subclass 170.1.
- II. Claim 25, drawn to an adapter ring, classified in class 403, subclass .

6. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the inventions are unrelated if it can be shown that they are not disclosed as capable of use together.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

8. During a telephone conversation with Seccombe on May 22, 1998 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-24. Affirmation of this election must be made by applicant in responding to this Office action. Claims 25 and 26 are

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withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Claim Rejections - 35 USC § 112

10. Claims 2-8 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not known what "a structure for changeably restricting . . ." (claim 2, line 3) refers to.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4, 9-12, 17-19, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouchard (US 5,630,590). Bouchard discloses a gas turbine engine with a brush seal (60) for restricting air passage into the chamber from a compressor. The difference between the prior art reference and the instant invention is the specific dimension for the seal clearance. In regard to the claimed particular dimension for the brush seal clearance, one skilled in the art is familiar with fluid mechanic and is aware of the necessity to design the seal for a maximum efficiency as well as the durability as major factors. Therefore, to optimize or select the suitable dimension for the clearance is within the ability of one of ordinary skill in the art. If such dimensional relationship is critical, the applicant has the burden of providing such criticality. In re Swenson et al, 30 CCPA 809, 132 F.2d 1020, 56 USPQ 372; In re Scherl, 33 CCPA 1193, 156 F.2d 72, 70 USPQ 204.

Allowable Subject Matter

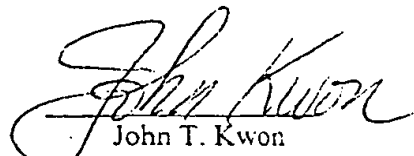
13. Claims 5-8, 13-16, 20 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Contact Information

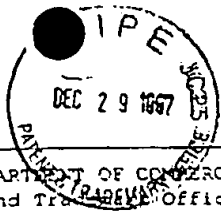
Any inquiry concerning this communication should be directed to Examiner Kwon at telephone number (703) 308-1046 and facsimile numbers (703) 305-3588. The examiner can normally be reached on Monday thru Friday from 8:30 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.


John T. Kwon
Primary Examiner
Art Unit 3747

Enclosure(s);

See the attachment(s) section of the Office Action Summary.

Form PTO-1449
(Renewal)U.S. DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAccession Number
11465-1Serial Number
08/892,738

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary.)

Applicant
Steve IngistovFiling Date
HerewithClass
~~3401~~ 3747

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

OK	AR	"Brush Seals" brochure; Pratt & Whitney, North Berwick, Maine; 2 pp.; September, 1993.
	AS	
	AT	

EXAMINER

KWON

DATE CONSIDERED

5/22/98

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant